

236135
236753 - Conf.

STATE OF SOUTH CAROLINA

(Caption of Case)

In Re: Petition of South Carolina Electric & Gas Company for Updates and Revisions to Schedules Related to the Construction of a Nuclear Base Load Generation Facility at Jenkinsville, South Carolina

BEFORE THE
PUBLIC SERVICE COMMISSION
OF SOUTH CAROLINA

COVER SHEET

DOCKET
NUMBER: 2012 - 203 - E

(Please type or print)

Submitted by: Belton T. Zeigler
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NOTE: The cover sheet and information contained herein neither replaces nor supplements the filing and service of pleadings or other papers as required by law. This form is required for use by the Public Service Commission of South Carolina for the purpose of docketing and must be filled out completely.

DOCKETING INFORMATION (Check all that apply)

☐ Emergency Relief demanded in petition ☐ Request for item to be placed on Commission's Agenda expeditiously
☐ Other:

INDUSTRY (Check one)	NATURE OF ACTION (Check all that apply)		
<input checked="" type="checkbox"/> Electric	<input type="checkbox"/> Affidavit	<input checked="" type="checkbox"/> Letter	<input type="checkbox"/> Request
<input type="checkbox"/> Electric/Gas	<input type="checkbox"/> Agreement	<input type="checkbox"/> Memorandum	<input type="checkbox"/> Request for Certification
<input type="checkbox"/> Electric/Telecommunications	<input type="checkbox"/> Answer	<input type="checkbox"/> Motion	<input type="checkbox"/> Request for Investigation
<input type="checkbox"/> Electric/Water	<input type="checkbox"/> Appellate Review	<input type="checkbox"/> Objection	<input type="checkbox"/> Resale Agreement
<input type="checkbox"/> Electric/Water/Telecom.	<input type="checkbox"/> Application	<input checked="" type="checkbox"/> Petition	<input type="checkbox"/> Resale Amendment
<input type="checkbox"/> Electric/Water/Sewer	<input type="checkbox"/> Brief	<input type="checkbox"/> Petition for Reconsideration	<input type="checkbox"/> Reservation Letter
<input type="checkbox"/> Gas	<input type="checkbox"/> Certificate	<input type="checkbox"/> Petition for Rulemaking	<input type="checkbox"/> Response
<input type="checkbox"/> Railroad	<input type="checkbox"/> Comments	<input type="checkbox"/> Petition for Rule to Show Cause	<input type="checkbox"/> Response to Discovery
<input type="checkbox"/> Sewer	<input type="checkbox"/> Complaint	<input type="checkbox"/> Petition to Intervene	<input type="checkbox"/> Return to Petition
<input type="checkbox"/> Telecommunications	<input type="checkbox"/> Consent Order	<input type="checkbox"/> Petition to Intervene Out of Time	<input type="checkbox"/> Stipulation
<input type="checkbox"/> Transportation	<input type="checkbox"/> Discovery	<input type="checkbox"/> Prefiled Testimony	<input type="checkbox"/> Subpoena
<input type="checkbox"/> Water	<input type="checkbox"/> Exhibit	<input type="checkbox"/> Promotion	<input type="checkbox"/> Tariff
<input type="checkbox"/> Water/Sewer	<input type="checkbox"/> Expedited Consideration	<input type="checkbox"/> Proposed Order	<input type="checkbox"/> Other: Proposed Notice
<input type="checkbox"/> Administrative Matter	<input type="checkbox"/> Interconnection Agreement	<input type="checkbox"/> Protest	of Hearing
<input type="checkbox"/> Other:	<input type="checkbox"/> Interconnection Amendment	<input type="checkbox"/> Publisher's Affidavit	
	<input type="checkbox"/> Late-Filed Exhibit	<input type="checkbox"/> Report	



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May 15, 2012

VIA HAND DELIVERY

The Honorable Jocelyn Boyd
Chief Clerk and Administrator
Public Service Commission of South Carolina
101 Executive Center Drive (29210)
Post Office Drawer 11649
Columbia, South Carolina 29211

RE: Petition of South Carolina Electric & Gas Company for Updates and Revisions
to Schedules Related to the Construction of a Nuclear Base Load Generation
Facility at Jenkinsville, South Carolina
Docket No. 2012-203-E

Dear Ms. Boyd:

Pursuant to S.C. Code Ann. § 58-33-270(E) (Supp. 2011) South Carolina Electric & Gas Company ("SCE&G" or "Company") petitions the Public Service Commission of South Carolina (the "Commission") for an order approving an updated construction schedule and an updated capital cost schedule for the construction of two 1,117 net megawatt nuclear units (the "Units") to be located at the V. C. Summer Nuclear Station site near Jenkinsville, South Carolina. SCE&G is also petitioning the Commission to enter a confidentiality order protecting certain commercially sensitive information from disclosure, as set forth below.

This petition is filed in substitution for the petition in Docket 2012-90-E, which SCE&G withdrew by letter dated May 8, 2012.

For the convenience of the Commission and parties, SCE&G is also providing with this filing a draft notice of hearing for publication in newspapers of general circulation in its service territory and for communication to its electric customers. SCE&G would propose to provide this notice directly to electric customers through inserts into their regular electric bills. Because of cycle billing and other considerations, doing so will require a return date for such notice not earlier than July 15, 2012.

Also for the convenience of the Commission, SCE&G is providing for consideration an proposed schedule for the pre-filing of testimony and proposed orders in this proceeding. This schedule takes into account the statutory deadline for an order in this matter and the customary sequencing of due dates in such proceedings.

As part of its petition, SCE&G is filing as an exhibit a redacted and unredacted copy of its restated and updated construction expenditures. Therefore, SCE&G is filing both a Public Version and a Confidential Version of its Request. In both versions, the Company's restated and updated construction expenditures are designated as Exhibit 2. The Confidential Version of Exhibit 2 of the filing contains confidential information related to the pricing and pricing terms of the Engineering, Procurement and Construction Agreement ("EPC Contract") between SCE&G and a consortium consisting of Westinghouse Electric Company, LLC and the Shaw Group (collectively, "Contractor.") The EPC Contract contains confidentiality provisions that require SCE&G to protect proprietary information that the Contractor believes to constitute trade secrets and to be commercially sensitive. The Contractor has requested that SCE&G maintain the confidentiality of certain information contained in Exhibit 2. It is this confidential information that has been redacted from the Public Version of the exhibits.

In keeping with the Contractor's request and the terms of the EPC Contract, SCE&G respectfully requests that the Commission find that the Confidential Version of the petition contains protected information and issue a protective order barring the disclosure of Exhibit 2 of the petition under the Freedom of Information Act, S.C. Code Ann. §§ 30-4-10 *et seq.*, S.C. Code Ann. Regs. 103-804(S)(1), or any other provision of law, except in its public form. Pursuant to 26 S.C. Code Regs. 103-804(S)(2), the determination of whether a document may be exempt from disclosure is within the Commission's discretion. Such a ruling in this instance would be consistent with the Commission's prior rulings in Docket No. 2008-196-E and Docket No. 2009-211-E finding, among other things, the pricing and pricing terms of the EPC Contract to be confidential and issuing a protective order barring the disclosure of related information. *See* Commission Order Nos. 2008-467 and 2008-696, as amended by Order No. 2008-739, issued in Docket No. 2008-196-E; and Commission Order No. 2009-401 issued in Docket No. 2009-211-E.

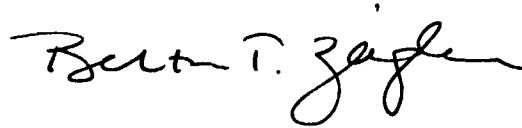
To this end, and in accordance with Commission Order No. 2005-226, dated May 6, 2005, in Docket No. 2005-83-A, enclosed with this letter and attached to the petition is as follows:

1. A true and correct copy of the Confidential Version of the Request in a sealed envelope marked "CONFIDENTIAL." Each confidential page of the Confidential Version of the Request is also marked "CONFIDENTIAL."

2. One original and ten copies of a redacted Public Version of the Request for filing and public disclosure.

SCE&G respectfully requests, in the event that anyone should seek disclosure of the unredacted Confidential Version of the above-referenced documents, that the Commission notify SCE&G of such request and provide it and the Contractor with an opportunity to obtain an order from this Commission or a court of competent jurisdiction protecting the Confidential Version of these documents from disclosure.

Very truly yours,

A handwritten signature in black ink, appearing to read "Belton T. Zeigler". The signature is fluid and cursive, with a large, stylized "Z" at the end.

Belton T. Zeigler

Enclosures

cc: C. Dukes Scott (ORS)
John W. Flitter (ORS)
Jeffrey M. Nelson, Esquire (ORS)
Shannon B. Hudson, Esquire (ORS)
Courtney D. Edwards, Esquire (ORS)
(all via hand delivery and email)